

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-sixth Legislature
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CHAPTER 199

HOUSE BILL 2193

AN ACT

AMENDING SECTIONS 8-504 AND 36-591, ARIZONA REVISED STATUTES; RELATING TO
RESIDENTIAL SETTINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-504, Arizona Revised Statutes, is amended to
3 read:

4 8-504. Sanitation, fire and hazard inspection

5 A. ~~The division shall delegate to the department of health services~~
6 ~~the responsibility of visiting VISIT each child welfare agency and foster~~
7 ~~home and of advising such agency or foster home on matters affecting the~~
8 ~~health of children. The department of health services shall inspect the~~
9 ~~premises used for care of children for sanitation, FIRE and other ACTUAL AND~~
10 ~~POTENTIAL hazards, actual or potential. Such department THE DIVISION shall~~
11 ~~take action it deems necessary to carry out the duties imposed by this~~
12 ~~section including but not limited to filing an action with the division~~
13 ~~requesting THE denial of the application for license or LICENSURE AND THE~~
14 ~~suspension or revocation of A license of such child welfare agency or foster~~
15 ~~home. The duties imposed on the department of health services may be~~
16 ~~delegated by such department to a county department of health.~~

17 B. The division may delegate any additional inspection, examination
18 or study provided for by this article, including ~~but not limited to~~
19 inspection of premises for fire hazards, to an agency, department, political
20 subdivision or governmental entity deemed appropriate by the division.

21 Sec. 2. Section 36-591, Arizona Revised Statutes, is amended to read:

22 36-591. Adult developmental homes; child developmental foster
23 homes; secure facilities; licensing; applicability

24 A. An adult developmental home, child developmental foster home or
25 secure facility shall be licensed pursuant to this article.

26 B. Group homes, except for those described in subsection E of this
27 section shall be licensed for health and safety of the facility by the
28 department of health services pursuant to section 36-132.

29 C. The division shall notify the department of health services of:

30 1. Service providers who enter into contracts with the division for
31 group homes.

32 2. Any violation of health and safety standards observed during
33 monitoring visits.

34 D. The department of health services shall immediately notify the
35 division:

36 1. When a group home license has been denied, suspended or revoked.

37 2. Of any other licensing action taken on a group home by the
38 department of health services.

39 3. Of substantiated complaints regarding health and safety.

40 E. The division shall ensure that state operated residential settings
41 that are owned or leased facilities operated by the division meet the same
42 standards as group homes unless they are certified as an intermediate care
43 facility FACILITIES for the mentally retarded pursuant to 42 Code of Federal
44 Regulations section 483.400.

1 F. THE DEPARTMENT SHALL VISIT EACH ADULT DEVELOPMENTAL HOME AND CHILD
2 DEVELOPMENTAL FOSTER HOME AND INSPECT THE PREMISES USED FOR THE CARE OF
3 CHILDREN OR VULNERABLE ADULTS FOR SANITATION, FIRE AND OTHER ACTUAL AND
4 POTENTIAL HAZARDS. THE DEPARTMENT SHALL TAKE ANY ACTION IT DEEMS NECESSARY
5 TO CARRY OUT THE DUTIES IMPOSED BY THIS SECTION INCLUDING THE DENIAL OF THE
6 APPLICATION FOR LICENSURE AND THE SUSPENSION OR REVOCATION OF THE HOME'S
7 LICENSE.

8 ~~F.~~ G. An intermediate care facility for the mentally retarded is not
9 required to be licensed UNDER THIS SECTION if it is certified pursuant to 42
10 Code of Federal Regulations section 483.400.

11 Sec. 3. Transfer of personnel

12 A. As provided by this act, the department of economic security
13 succeeds to the authority, powers, duties and responsibilities of the
14 department of health services regarding the inspection of child welfare
15 agencies and foster homes.

16 B. All monies appropriated and personnel who are under the state
17 personnel system and employed by the department of health services to inspect
18 child welfare agencies and foster homes are transferred to the department of
19 economic security. All personnel are transferred to comparable positions and
20 pay classifications in the respective administrative units.

21 C. Administrative rules and orders that were adopted by the department
22 of health services relating to the inspection of child welfare agencies and
23 foster homes continue in effect until superseded by administrative action by
24 the department of economic security.

25 Sec. 4. Exemption from rule making

26 The department of economic security is exempt from the rule making
27 requirements of title 41, chapter 6, for one year after the effective date
28 of this act to adopt rules to implement the requirements of this act.

APPROVED BY THE GOVERNOR MAY 6, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2004.